

CROATIA 2022 HUMAN RIGHTS REPORT

EXECUTIVE SUMMARY

The Republic of Croatia is a constitutional parliamentary democracy. Legislative authority is vested in the unicameral parliament (Sabor). The president serves as head of state and formally nominates the prime minister, who leads the government, based on majority support of parliament. The latest presidential election was held in December 2019 with a second round for the top two candidates held in January 2020. A majority of voters elected President Zoran Milanovic. Domestic and international observers stated presidential elections and parliamentary elections held in July 2020 were free and fair.

The national police, under the control of the Ministry of the Interior, have primary responsibility for domestic security. In times of disorder, the prime minister and the president may call upon the armed forces to provide security. The president is commander in chief of the armed forces. The armed forces report to the Ministry of Defense and to the president as commander in chief. Civilian authorities maintained effective control over the security forces. Domestic and international nongovernmental organizations reported some members of the border police committed abuses against migrants attempting to enter the country.

Significant human rights issues included credible reports of: instances of intimidation and censorship of journalists and the existence of a libel provision in the penal code; and discrimination against members of minority groups, mainly Serbs, Roma, and lesbian, gay, bisexual, transgender, queer, and intersex individuals.

The government took significant steps to identify, investigate, prosecute, and punish individuals who committed abuses of human rights or engaged in official corruption.

Section 1. Respect for the Integrity of the Person

a. Arbitrary Deprivation of Life and Other Unlawful or Politically

Motivated Killings

There were no reports the government or its agents committed arbitrary or unlawful killings.

b. Disappearance

There were no reports of disappearances by or on behalf of government authorities; however, a significant number of cases of missing persons from the 1991-95 Homeland War remained unresolved. The government made efforts to investigate and punish those responsible. The Ministry of Veterans Affairs reported as of October 14, 1,435 persons remained missing, and the government was searching for the remains of 395 individuals known to be deceased, for a total of 1,830 unsolved missing persons' cases. The ministry reported during the year field searches were conducted in 59 locations in 10 different counties, and remains of five individuals were exhumed from three locations. Remains of 33 persons were identified. As of September 18, remains of more than 5,222 victims were exhumed since the Homeland War, of which 4,355 were identified. Progress on missing persons remained slow primarily due to lack of reliable documents and information regarding the location of mass and individual graves, as well as other jurisdictional and bilateral political challenges with Serbia. The government continues to seek Serbia's assistance in resolving outstanding cases.

On March 30, the Ministry of Veterans Affairs hosted a roundtable on missing persons in Vukovar. In the meeting the Head of the Directorate for Detained and Missing Persons reported the government was still searching for the remains of 385 missing persons from areas around Vukovar, where most of the outstanding cases remained unsolved. She noted more than half a million square meters at 100 locations were inspected during the prior six years in Vukovar-Srijem and Osijek-Baranja counties.

c. Torture and Other Cruel, Inhuman, or Degrading Treatment or Punishment, and other Related Abuses

The constitution and law prohibit torture, inhuman, and degrading treatment or punishment of prisoners. There were no credible reports government officials

employed these practices.

Prison and Detention Center Conditions

Some prison conditions were inadequate due to overcrowding and a shortage of health professionals working in some prisons during the COVID-19 pandemic.

Abusive Physical Conditions: During the year, some prisoners reported inadequate access to medical care, and noted a lack of available health-care staff throughout the pandemic. The ombudsperson reported that, according to a survey conducted in a Split prison, prisoners most frequently submitted complaints of being held in their cells for 22 hours per day without activities, lacked visitors, and struggled to communicate with their attorneys during investigative detention and defense preparation due to lack of privacy and poor sound quality through prison telephones and glass separation walls.

Infrastructural expansions in Sibenik, Bjelovar, and Pozega prisons reduced overcrowding and increased prisoner capacity; however, overcrowding remained an issue in other prisons throughout the country. In as many as 12 prisons out of a total of 13, occupancy was higher than 100 percent. The most egregious cases of overcrowding reported to the ombudsperson were in the prisons in Zagreb (150 percent capacity), Karlovac (155 percent capacity), and Osijek (168 percent capacity).

Administration: Authorities investigated credible allegations of mistreatment through the Office of the Ombudsperson, which issued recommendations to improve conditions for detained persons.

Independent Monitoring: The National Preventive Mechanism (NPM), which is located within the Office of the Ombudsperson, is the national body for the prevention of torture and other cruel, inhuman, or degrading treatment or punishment in places where persons are deprived of their liberty, detained, imprisoned, or placed in a public custodial setting that they are not allowed to leave. During 2021, the NPM conducted monitoring visits to places where individuals were held, including police stations, police detention units, transit reception centers for migrants, prisons, and psychiatric wards in hospitals. The Office of the Ombudsperson carried out tasks specified by the NPM. According to

the Optional Protocol to the Convention Against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment, the NPM is authorized to make unannounced monitoring visits to any place under its jurisdiction and control.

A delegation of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) visited prisons, psychiatric and care home facilities, met with relevant authorities, and presented preliminary observations to the government at the conclusion of its September 19-28 visit to the country.

Improvements: The government took steps during the year to improve prison or detention center conditions. The government completed the renovation of Sibenik Prison, which increased the capacity for eight additional inmates. To reduce overcrowding, the government implemented a regulation that defined the framework for conditional release under electronic monitoring, based on the Law on Enforcement of the Prison Sentence, and purchased required equipment. The Central Office for the Prison System and the Directorate for the Prison System and Probation, in cooperation with the Croatian Institute of Public Health and the National Headquarters of Civil Protection, coordinated the implementation of epidemiological measures, which included the delivery of leaflets for the purpose of educating officials and persons deprived of their liberty; the provision of personal protective equipment; the implementation of enhanced hygiene measures; restrictions on prisoners' visits; intensification of advisory cooperation and professional assistance from local public health institutes; as well as other measures to prevent the spread of COVID-19 among inmates.

d. Arbitrary Arrest or Detention

The constitution and law prohibit arbitrary arrest and detention and provide for the right of any person to challenge the lawfulness of his or her arrest or detention in court. The government generally observed these requirements.

Arrest Procedures and Treatment of Detainees

Other than those apprehended during the commission of a crime, persons were arrested with warrants issued by a judge or prosecutor based on evidence.

Prosecutors may hold suspects for up to 48 hours in detention. Upon the request of

prosecutors, an investigative judge may extend investigative detention for an additional 36 hours. Authorities informed detainees promptly of charges against them. The law requires a detainee be brought promptly before a judicial officer, and this right was generally respected. The law limits release on bail only in cases of flight risk. In more serious cases, defendants were held in pretrial detention. Authorities allowed detainees prompt access to a lawyer of their choice or, if indigent, to one provided by the state.

e. Denial of Fair Public Trial

The constitution and law provide for an independent judiciary, and the government generally respected judicial independence and impartiality. Cases of intimidation of state prosecutors, judges, and defense lawyers were isolated.

Trial Procedures

The constitution and law provide for the right to a fair and public trial, and the independent judiciary generally enforced this right.

Defendants enjoy the presumption of innocence. By law they must be informed promptly of the charges against them. Defendants have a right to a fair, public, and timely trial and to be present at their trial. Defendants in criminal cases were periodically denied the right to a timely trial due to judicial backlog in domestic courts. As of September 30, the judicial backlog was 473,010 cases, 35,568 fewer than the 508,578 cases reported in September 2021. Existing case backlogs and lengthy duration of court case adjudications continued to raise concerns regarding judicial effectiveness, efficiency, legal uncertainty, and the rule of law.

Lengthy trials remained one of the main problems in the judiciary. The European Commission's (EC) annual *Rule of Law Report*, released July 13, noted public perception of judicial independence remained very low, despite continuing criminal proceedings related to alleged corruption cases among judges. The report also noted long criminal proceedings undermined the fight against corruption and although "the justice system extended electronic communication tools and decreased court backlogs, significant efficiency and quality issues remained."

Defendants have the right to communicate with an attorney of their choice or to

have one provided at state expense. Defendants enjoy the right to adequate time and facilities to prepare a defense. Any defendant who cannot understand or speak Croatian has free access to an interpreter from the moment charged through all appeals. Defendants have the right to confront witnesses against them and to present witnesses and evidence on their behalf. Defendants may not be compelled to testify or confess guilt. Defendants and prosecutors may file an appeal before a verdict becomes final.

Political Prisoners and Detainees

There were no reports of political prisoners or detainees.

Civil Judicial Procedures and Remedies

Individuals may seek damages for, or cessation of, an alleged human rights violation through domestic courts. They may file an application (appeal) to the European Court of Human Rights (ECHR) after all domestic legal remedies have been exhausted or after a case has been pending for an excessive period in domestic courts. Administrative remedies were also available.

Judicial officials reported war crimes cooperation with Serbia remained a challenge due to legal and political obstacles.

Property Seizure and Restitution

The government has endorsed the Terezin Declaration but does not have adequate legal mechanisms in place to address Holocaust-era property claims for restitution. The country has not effectively compensated claimants for property seized during the Holocaust period (1941-45) and has inconsistently permitted noncitizens to file claims.

Nongovernmental organizations (NGOs) and advocacy groups reported the government did not make significant progress on resolution of Holocaust-era claims, including for foreign citizens. The law limits restitution of property seized during the communist era to individuals who were citizens of the country in 1996 and permitted claims to be filed only within a specified window, which closed in January 2003. Consequently, the law does not provide effective compensation to

persons, including Holocaust survivors, whose property was expropriated but had left the country and obtained citizenship elsewhere. A 2002 amendment to the law allows foreign citizens to file claims if their country of citizenship has a bilateral restitution treaty with Croatia. In 2010, however, the Supreme Court ruled the government may not require such a treaty as a necessary condition for restitution. In 2011 the Ministry of Justice attempted unsuccessfully to amend the legislation to reflect this finding and reopen claims. At the time the government estimated the amendment might benefit between 4,211 and 5,474 claimants. As of year's end, the government had taken no subsequent steps to amend the law.

The government reported approximately 74,000 property restitution claims filed as of year's end. The government reported approximately 68,000 of those claims were resolved, but due to the prohibitions on including religion, ethnicity, or nationality in official files remaining from the time of the former Yugoslavia, stated it was impossible to determine precisely which were linked to Jewish Holocaust victims. In September the government reported the resolution of 321 claims involving Jewish claimants, 114 were in kind returns and 155 were financial compensation of bonds, mainly from the post-World War II period, worth a total of 982 million kuna (\$142 million). Of the 101 pending cases monitored by the government since 2018, 52 were resolved; some in cash compensation worth 26 million kuna (\$3.7 million) and some in returned property compensation estimated to be worth 78 million kuna (\$11.3 million) based on present real estate market values.

Restitution of communal property remained a problem for the Serbian Orthodox Church and the Coordinating Committee of Jewish Communities in Croatia. The government reported that, since 1999, it resolved 356 property claims related to the Serbian Orthodox Church, which included the right to compensation in bonds. The Serbian Orthodox Church and representatives of the Roman Catholic Church stated claims remained outstanding.

The Department of State's Justice for Uncompensated Survivors Today (JUST) Act report to Congress, released publicly in July 2020, can be found on the Department's website: <https://www.state.gov/reports/just-act-report-to-congress/>.

f. Arbitrary or Unlawful Interference with Privacy, Family, Home,

or Correspondence

The constitution and law prohibit such actions, and there were no reports the government failed to respect these prohibitions.

Section 2. Respect for Civil Liberties

a. Freedom of Expression, Including for Members of the Press and Other Media

The constitution and law provide for freedom of expression, including for members of the press and other media, and the government generally respected this right. An independent media and a functioning democratic political system combined in most cases to promote freedom of expression, including for members of media. Judicial ineffectiveness at times delayed resolution of libel cases against publishers, editors, and journalists.

Freedom of Expression: The law sanctions individuals who act “with the goal of spreading racial, religious, sexual, national, ethnic hatred, or hatred based on the color of skin or sexual orientation or other characteristics.” Conviction for internet hate speech is punishable by up to three years’ imprisonment. The law provides for six months’ to five years’ imprisonment for conviction of organizing or leading a group of three or more persons to incite violence or hate via print media, radio, television, computer system or networks, during public gatherings or in any other way against certain categories or groups. By law libel and insult are criminal acts punishable by a fine. Insults are not criminally prosecuted if committed in the conduct of journalism, in a public interest, or for other justifiable reasons.

Violence and Harassment: On July 13, the Croatian Journalists Association (CJA) at a joint meeting with the Croatian Journalist Union, noted continuing reports of intimidation and threats against journalists. Reporters Without Borders stated journalists investigating corruption, organized crime, and war crimes, especially at the local level, often faced harassment, while physical assaults, threats, and cyberviolence represented significant problems.

Censorship or Content Restrictions for Members of the Press and Other

Media, Including Online Media: Members of the press reported practicing self-censorship due to fear of online harassment, lawsuits, upsetting politically connected individuals, or possible adverse employment effects for covering certain topics.

Libel/Slander Laws: The law criminalizes libel, but no criminal penalties were imposed for this offense. The country also has civil laws against libel, which the government enforced. According to an annual survey conducted by the CJA, at least 951 libel lawsuits were filed against journalists and media, with claimed damages of 77.4 million kuna (\$11.2 million). Of the 951 libel lawsuits, 928 were filed against publishers, editors, and journalists for civil alleged violations of honor, while 23 were criminal lawsuits.

In April the CJA threatened to protest if what it assessed as the excessive number of libel lawsuits did not decrease. The organization cited the April verdict against nonprofit portal *Virovitica.net* publisher Goran Gazdek as one example of libel cases it claimed discouraged journalists in the country from investigating or criticizing public figures. A court ordered Gazdek to pay Member of Parliament Romana Nikolic 7,500 kuna (\$1086) for damages. In April CJA President Hrvoje Zovko asserted in statements to the press that lawsuits were often meant to deter journalists and “suffocate” media freedom. The CJA also expressed concern regarding multiple lawsuits filed by a judge in Osijek, Zvonko Vrban, who initiated five libel lawsuits against the *Telegram.hr* online portal, demanding damages for “mental anguish” in the amount of 150,000 kuna (\$21,739) per lawsuit.

On February 3, the Zadar County Court rejected a Croatian Radio Television (HRT) appeal against Zovko, who sued the station for wrongful termination after he made public comments criticizing alleged censorship at HRT. The court upheld the 2020 Zagreb Municipal Civil Court verdict which ordered HRT to reinstate Zovko, noting his comments were not “disputable or untrue” nor did they grossly harm the honor or reputation of the station. On June 7, the CJA announced HRT reinstated Zovko, adding it hoped the case against him was finally resolved after four years of “multiple court harassments” of Zovko, his family, and the CJA.

Internet Freedom

The government did not restrict or disrupt access to the internet or censor online content, and there were no credible reports the government monitored private online communications without appropriate legal authority.

b. Freedoms of Peaceful Assembly and Association

The constitution and law provide for the freedoms of peaceful assembly and association, and the government generally respected these rights.

c. Freedom of Religion

See the Department of State's *International Religious Freedom Report* at <https://www.state.gov/religiousfreedomreport/>.

d. Freedom of Movement and the Right to Leave the Country

The constitution and law provide for freedom of internal movement, foreign travel, emigration, and repatriation, and the government generally respected these rights.

e. Protection of Refugees

The government cooperated with the Office of the UN High Commissioner for Refugees (UNHCR) and other humanitarian organizations in providing protection and assistance to refugees, returning refugees, or asylum seekers, as well as other persons of concern.

Access to Asylum: The law provides for the granting of refugee status and subsidiary protection status, and the government has established a system for providing protection to refugees and asylum seekers. Despite restrictions caused by the COVID-19 pandemic, the Ministry of the Interior reported it continued to work with asylum seekers and persons granted international protection, and it provided access to the asylum procedure in accordance with epidemiological measures and recommendations adopted by the European Commission.

Abuse of Migrants and Refugees: As in previous years, national and international NGO reports accused the country's border police of pushbacks of irregular migrants.

On February 4, the CPT President and the Minister of Interior met to discuss allegations of mistreatment of international migrants. Following the meeting, the Ministry of Interior published a list of recommendations and a 60-point response to a 2020 CPT report that was critical of the government. In the response the ministry noted authorities successfully implemented positive changes since 2020 with the aim of preventing mistreatment of migrants. Most notably, the response confirmed that ad hoc visits by independent monitors to the border would continue.

On April 5, the ECHR dismissed the country's application to re-examine the 2021 judgment on the death of an Afghan migrant girl, age 6, Madina Hussiny, who was killed on the Croatia-Serbia border in 2017. The ECHR ruled Croatia breached the Convention for the Protection of Human Rights and Fundamental Freedoms because it did not effectively investigate the death, and that the responsible bodies in the country should proceed with "establishing responsibility" based on the judgment. The country's representative to the ECHR noted the court did not find Croatia responsible for the girl's death nor that any pressure was exerted on civil society during the investigation. The Centre for Peace Studies (CPS), a prominent migration-focused NGO, called for the dismissal of several officials in the police hierarchy, including Interior Minister Davor Bozinovic. Bozinovic dismissed the call and stated the purpose of the ECHR rulings was to improve the system, a sentiment Prime Minister Andrej Plenkovic echoed in an April 5 statement. In the original ruling, the ECHR determined Hussiny was a victim of an illegal collective expulsion by the country and fined the government 288,270 kuna (\$41,778) plus 120,290 kuna (\$17,433) in court costs.

Between January and the end of October, the Danish Refugee Council recorded a total of 3,196 "illegal expulsions" to Bosnia and Herzegovina.

In June 2021, the government launched an Independent Mechanism for Monitoring the Conduct of Police Officers of the Ministry of the Interior in the Field of Illegal Migration and International Protection. The government tasked the mechanism with monitoring the treatment of irregular migrants and seekers of international protection through announced and unannounced observations of police stations, shelters for foreigners, and announced visits to "other appropriate places" such as the green border with Bosnia and Herzegovina. The government also tasked the mechanism with ensuring border management measures fully comply with EU

asylum laws and fundamental rights. The EU ombudsperson noted the delay in setting up the mechanism was regrettable because the country had received emergency EU funds for the project in 2018.

On July 1, the mechanism published an annual report for the period between June 2021 and June 2022. The report noted police mostly treated migrants in accordance with EU regulations by respecting the standards defined by the mechanism such as providing dietary based religious accommodations and assisting vulnerable groups of migrants, such as pregnant women and unaccompanied minor children. Examples of good practices included cooperation between border police and healthcare institutions for emergency medical services, hospital visits, COVID-19 testing, reviews of medical records, and, when necessary, coordination with nursing homes. The report noted police officers acted to protect national security and public order as well as the fundamental rights of migrants provided for by EU and international law. The report also stated migrants were exposed to human traffickers and smugglers on both sides of the border and noted police stations still did not have adequate room for the temporary accommodation of migrants.

Durable Solutions: The government accepted refugees for resettlement, offered naturalization to refugees residing on their territory, and assisted in their voluntary return to their homes when requested. The government continued to participate in the joint Regional Housing Program (RHP) with the governments of Bosnia and Herzegovina, Montenegro, and Serbia. The RHP aimed to contribute to the resolution of the protracted displacement situation of the most vulnerable refugees and displaced persons following the 1991-95 conflict. As of mid-August, the RHP increased the number of assisted families and provided housing to 378 families (923 individuals) in the country.

Temporary Protection: The country also has a mechanism for subsidiary protection for those who do not qualify for asylum, but no one was granted subsidiary protection during the year. On March 7, the country officially adopted the EU Directive on the Temporary Protection of Ukrainian refugees. The directive allows refugees from Ukraine to enter the country and receive certain benefits without having to apply for asylum. As of November, 18,834 Ukrainians received temporary protection in the country. The Ministry of Interior is

responsible for organizing the reception and care of persons who meet the conditions for temporary protection. The government provided temporarily protected individuals with accommodation, health care, access to primary and secondary education, and employment without a requirement to obtain a residence or work permit or a certificate of work registration. The government grants temporary protection for Ukrainian citizens until March 4, 2023, with the possibility to automatically extend the status twice (by six months each time) if conditions remain unchanged.

f. Status and Treatment of Internally Displaced Persons

Not applicable.

g. Stateless Persons

According to the 2021 census, an estimated 731 stateless persons lived in the country. Many of these persons were Roma who lacked citizenship documents. The Ministry of Interior is responsible for granting stateless individuals who fulfill legal requirements residency and eventual citizenship. UNHCR advocates for the ending of statelessness in the country, including through the establishment of a stateless determination procedure. The government recognized a small number of persons as stateless. According to the 2021 census, 558 persons self-declared as being stateless, with an additional 173 persons declaring unknown nationality. When compared with the previous census from 2011, the number of persons who declared themselves stateless decreased by 26 percent, while the number of individuals at risk of statelessness decreased by 96 percent (according to the 2011 census there were 749 stateless persons and 2,137 persons of undetermined nationality.) In February a revised social welfare act entered into force that included UNHCR recommendations to extend the right to social welfare to all stateless persons legally residing in the country.

Section 3. Freedom to Participate in the Political Process

The constitution and law provide citizens the ability to choose their government in free and fair periodic elections held by secret ballot and based on universal and equal suffrage.

Elections and Political Participation

Recent Elections: The most recent parliamentary elections were held in July 2020, presidential elections in January 2020, and European Parliament elections in 2019. According to observers, all elections took place in a pluralistic environment and were administered in a professional and transparent manner.

Participation of Women and Members of Minority Groups: No laws limit participation of women, members of minority groups, persons with disabilities, or lesbian, gay, bisexual, transgender, queer, and intersex (LGBTQI+) persons in the political processes, and they did participate. By law minority groups are allotted eight seats in the 151-seat parliament. Representation of women in major political parties remained low. The law requires that the “less represented gender” make up at least 40 percent of candidates on a party’s candidate list, with violations punishable by a fine. The deputy prime minister and four ministers in the 18-member cabinet were women.

Section 4. Corruption and Lack of Transparency in Government

The law provides criminal penalties for corruption by officials, and the government generally implemented the law effectively. Corruption remained a problem, and there were reports of significant government corruption during the year. State prosecutors continued to prosecute several major corruption cases involving judges, local city officials, and public figures, and the judiciary generally imposed statutory penalties in cases in which there was a conviction. High-profile convictions for corruption, however, were sometimes overturned on appeal.

Corruption: On April 23, parliament adopted the Law on Protecting People who Report Irregularities, known as “the Whistleblower Act.” The law complies with the EU Directive on the protection of persons who report breaches of Union law (EU 2019/1937). A July 13 EC *Rule of Law Report* noted that, in addition to the Whistleblower Act, the government updated the Law on the Prevention of Conflict of Interest to strengthen asset declarations. The report also acknowledged the adoption of a Code of Ethics for government officials. The government appropriated 76.8 million kuna (\$11.13 million) to implement a 2022-2024

anticorruption action plan adopted on July 28.

On March 29, in a first instance ruling, the Zagreb County Court found former Sisak-Moslavina County prefect Marina Lovric-Merzel guilty of corruption and sentenced her to seven years in prison. Lovric-Merzel, whose trial began in 2018, was found guilty of receiving €100,000 (\$99,733) in bribes from an entrepreneur, commissioning unnecessary advisory services, incurring excessive entertainment expenses, and making fictitious contracts for the country. In May the EU Public Prosecutor's Office (EPPO) indicted 10 individuals including the Mayor of Nova Gradiska, Vinko Grgic, former Velika Gorica mayor Drazen Barisic, and businessman Kresko Petek. The EPPO reported the indictment was filed after an investigation of active and passive corruption and abuse of office between 2018 and 2021. All four cases were related to tenders cofinanced by EU funds for constructions projects with a total estimated value of €22.6 million (\$22.5 million.)

On October 20, the Office for the Suppression of Corruption and Organized Crime (USKOK) indicted eight defendants, including former ministers Darko Horvat, Tomislav Tolusic, Josip Aladrovic, and former deputy prime minister Boris Milosevic, regarding alleged illegal disbursement of grants in 2018 and 2019 and illegal hiring practices. The eight defendants were indicted for abuse of authority and position, incitement and aiding the abuse of authority and position, trading in influence and aiding trading in influence. USKOK also indicted Horvat's former assistant Ana Mandac, Ministry of Regional Development former state secretary Velimir Zunac, director of the state administration for government-assisted areas Katica Miskovic, and the mayor of the town of Zupanja, Damir Juzbasic.

On November 3, the EU chief prosecutor signed a working agreement with the Ministry of Interior on data access and criminal prosecution cooperation related to crimes committed against EU interests, which includes corruption. The working agreement entered into force on November 12.

Section 5. Governmental Posture Towards International and Nongovernmental Investigation of Alleged Abuses of Human Rights

Domestic and international human rights groups generally operated without

government restriction, investigating and publishing their findings on human rights cases. Government officials often were cooperative and responsive to their views.

Government Human Rights Bodies: The country has an ombudsperson for human rights who investigated complaints of human rights abuses, as well as three additional ombudspersons for gender equality, persons with disabilities, and children. The law stipulates parliament may not dismiss the ombudsperson for human rights because of dissatisfaction with his or her annual report. Parliament may dismiss the other three if it does not accept their annual reports. Ombudspersons admitted that this limited their ability to do their jobs thoroughly and independently and imposed political influence on their work.

The law authorizes ombudspersons to initiate shortened procedures in cases where there is sufficient evidence of the violation of constitutional and legal rights.

Section 6. Discrimination and Societal Abuses

Women

Rape and Domestic Violence: The law criminalizes the rape of a person, regardless of gender, including spousal rape and domestic violence. The law was enforced in most cases. Sentences for conviction range from fines to jail, depending on the crime's severity. Conviction of rape, including spousal rape, is punishable by a maximum of 15 years' imprisonment. Conviction for domestic violence is punishable by up to three years' imprisonment. The law provides for stricter penalties for conviction of violence against closely related family members and violence against women. Sexual intercourse without consent is classified as rape and conviction is punishable with three to 10 years' imprisonment. The law provides sanctions (fines and up to 90 days' imprisonment) for conviction of misdemeanor domestic violence.

The ombudsperson for gender equality's 2021 report noted the number of reported cases of domestic violence of a criminal nature, in particular the number of women killed by family members or intimate partners, continued to increase despite the decline in the total number of women killed. The vast majority of those experiencing domestic violence were women. A total of 194 cases of rape were

recorded in 2021, of which 101 women (52 percent) were attacked by family members or close acquaintances. During 2021 criminal acts of rape increased 16 percent from the previous years. Attempted rape was recorded in a total of 19 cases, of which eight cases (42 percent) were committed by close associates or family members.

The government publicly addressed the problem. On September 1, Prime Minister Andrej Plenkovic condemned the August 31 homicide-suicide of a married woman and her husband, age 54, in the city of Novska. The prime minister noted that, due to the government's stricter legal regulations, domestic violence cases were increasingly treated as criminal offenses instead of misdemeanors. Minister of Justice and Public Administration Ivan Malenica also strongly condemned the incident. Both Plenkovic and Malenica called for additional training on domestic violence cases in relevant institutions.

Sexual Harassment: The law criminalizes sexual harassment of a person, regardless of gender. The maximum punishment for conviction of sexual harassment is two years' imprisonment. On World Day for Safety and Health at Work, observed on April 28, the ombudsperson for gender equality reported women under age 50 were up to seven times more exposed to sexual harassment in the workplace than were men. Numerous surveys confirmed the occurrence of gender-based harassment, including sexual harassment in the workplace. The ombudsperson report stated 7.9 percent of women under 50 experience sexual harassment in the workplace, especially those under 35, compared to 1.1 percent of men. Only one in 10 respondents formally reported sexual harassment, citing fear of losing their jobs and skepticism that the perpetrator would be punished. Public awareness initiatives by civil society such as *#nizamtrazila* (I did not ask for it) occurred during the year. Separately, 36.6 percent of female respondents reported mobbing, compared to 26.6 percent of male respondents. The ombudsperson cited progress including stricter penalties and prosecutions for the criminal offense of sexual harassment, but only a small number of cases were prosecuted and even fewer led to criminal convictions.

Reproductive Rights: There were no reports of coerced abortion or involuntary sterilization on the part of government authorities. Emergency contraception is available for purchase at pharmacies and may be purchased by persons older than

age of 18 upon presenting appropriate identification. Distribution of emergency contraception is available during the clinical management of rape upon assessment of the gynecologist conducting the forensic exam within 72 hours of the reported rape. The government allows doctors to refuse procedures that violate their personal ethics. Nonetheless, the Ministry of Health instructed every hospital to provide comprehensive reproductive healthcare following a widely reported case of a woman who was unable to find a doctor who would provide abortion services for a fatal fetal anomaly. The ministry also ordered doctors who use personal ethical objections as a reason to refuse a procedure to have their objection listed in their personnel file. Vulnerable populations, including persons with disabilities, had the ability to provide informed consent to medical treatment affecting reproductive health, including for sterilization. The government provided access to sexual and reproductive health services for survivors of sexual violence.

Discrimination: Women have the same legal status and rights as men regarding family, employment, labor, religion, inheritance, personal status and nationality laws, property, access to credit, owning or managing businesses or property, and voting. The law requires equal pay for equal work. The government did not enforce the law effectively. Women reported discrimination in employment and occupation. The ombudsperson for gender equality worked on 610 additional discrimination cases in 2021, an 18.4 percent increase from the previous year; 71.6 percent of these cases were related to the protection of women and 48.7 percent were related to employment and social security.

Systemic Racial or Ethnic Violence and Discrimination

Constitutional provisions against discrimination applied to all minorities. The government did not enforce the provisions effectively. According to the ombudsperson for human rights, ethnic discrimination was the most prevalent form of discrimination, particularly against Serbs, Roma, and migrants.

Representatives of the Serb national minority reported they continued to face discrimination at the national and local levels and reported nonimplementation of existing legislation regarding ethnic minority rights aimed at providing for linguistic pluralism and rights to use dual script signs. They also alleged continuing use of hate speech in media and unsolved property restitution cases.

They reported Serbs continued to be subjected to discrimination especially in Eastern Slavonia, although they noted physical incidents, particularly by soccer hooligans, decreased. They alleged Serb national minority members faced significant discrimination in employment, and there were unresolved, long-standing problems of registration of Serb schools in Eastern Slavonia. They also noted tensions remained regarding unresolved missing persons and unprosecuted war crimes cases.

Vandalism of property owned by Serb institutions or the Serbian Orthodox Church were reported during the year in the cities of Varazdin, Pozega, Omis, and Petrinja. Hate speech, including calls to violence, was used by members of media, including on some networks that were publicly financed. Representatives of the Serb national minority noted individuals spreading theories of ethnic superiority periodically received broadcast time on HRT and other national television stations.

The government funded a revitalization program focused on the renovation and rehabilitation of family homes in Grubori village where Croatian forces committed war crimes against six Serbian civilians during the 1990s war in former Yugoslavia. The deputy prime minister responsible for human rights and social issues reported increased government investments in infrastructure in regions with significant Serb minority populations. Local government officials in Vukovarsko-Srijemska County noted the positive impact of this investment and particularly welcomed additional government funds provided for ethnic minority association activities and cultural centers.

According to the March ombudsperson's report (which covers 2021), while overall unemployment dropped 21.3 percent in December 2021 compared to the previous year, the number of unemployed Roma increased by 16.4 percent during the same period, mostly for those between the ages of 20 and 44 (68.7 percent of whom had not completed elementary school.) The ombudsperson continued to receive complaints and allegations of discrimination against Roma in access to goods and services, policing, the legalization of buildings in Roma settlements, and in housing for Roma families.

Migrants continued to be exposed to prejudice and discrimination linked to their racial or ethnic origin. The ombudsperson's report noted a 2021 ethnically based

physical attack on Rimac automobile factory employees in Zagreb, whom the attackers described as “looking like migrants.” The mayor of Zagreb strongly condemned the attack and stated, “there must be no place for such violence in Zagreb, especially not for violence motivated by hatred of those who are different on any grounds.” The Zagreb Police administration confirmed a criminal investigation of the incident continued.

Birth Registration: Authorities registered all births at the time of birth within the country or abroad. Birth registration was provided on a nondiscriminatory basis. Citizenship is derived by descent from at least one citizen parent or through birth in the country’s territory in exceptional cases.

Child Abuse: Child abuse, including violence and sexual abuse, remained a problem. The penalty for conviction of grave sexual abuse of children depends on the crime’s gravity and includes long-term imprisonment if the child dies as a result. There is no statute of limitation for prosecution of serious criminal acts of sexual abuse and exploitation of a child. By law anyone convicted of a sexual offense against a child may, after serving their sentence, be prohibited from duties or activities involving regular contact with children if a court determines that a perpetrator would likely repeat the crime. Individuals convicted of such crimes may also be monitored, per court order, under protective supervision after completing their sentence. The amendment during the year to the Law on Legal Consequences of Conviction, Criminal Records and Rehabilitation, which was initially adopted in 2012, requires employers to conduct background checks before hiring employees to positions involving regular contact with children.

The trend of an increasing number of overall child abuse complaints continued. The ombudsperson for children reported a total of 2,004 complaints and requests for assistance in 2021, 4.2 percent more than during the previous year. In 2021 the ombudsperson for children received 54 notifications specifically related to the protection of children from sexual abuse, 198 related to the protection of children from violence and 71 notifications related to child neglect.

Child, Early, and Forced Marriage: The legal minimum age for marriage is 18; children older than 16 may get married with a judge’s written consent.

Sexual Exploitation of Children: The law prohibits commercial sexual exploitation of children; the sale, grooming, or using of children for commercial exploitation, including child sex trafficking. The law prohibits the offering or procuring of a child for commercial sex and child pornography and provides for jail sentences ranging from six months to long-term imprisonment, including for conviction of sexual exploitation of children, depending on the age of the victim and severity of the crime. Authorities enforced the law. The Ministry of Interior conducted investigations and worked with international partners to combat child pornography. The ministry operated a website known as Red Button for the public to report child pornography to police. The minimum age for consensual sex is 15.

Antisemitism

The World Jewish Congress estimated the country's Jewish population at 1,700. Some Jewish community leaders continued to report historical revisionism and antisemitic rhetoric, including the use of symbols affiliated with the pro-Nazi Ustasha regime (1941-1945). Jewish community leaders also noted the lack of a specific penal code provision that outlaws the use of the Ustasha insignia and slogans. The use of Ustasha slogans and symbols may be charged as a criminal offense if combined with charges of hatred and violence. By law attacks motivated by antisemitism are defined as hate crimes and criminal offenses. The law stipulates "anyone who by press, radio, television, computer system or network, in a public gathering or in any other way publicly incites or makes available to the public leaflets, pictures, or other material that incites violence or hatred directed towards a group of or a member of a group on the grounds of race, religion, national or ethnic group, origin, skin color, gender, gender identity, sexual orientation, disability or any other characteristics may be punished with up to three years imprisonment" if convicted. Individuals who join or lead groups instigating such activity may also be charged with up to five years' imprisonment. The Penal Code additionally criminalizes public statements that approve, incite, or diminish the significance of acts of genocide, war crimes, and crimes against humanity with the intention of inciting violence.

NGOs and advocacy groups reported the government did not make significant progress on resolution of Holocaust-era restitution claims, including for foreign citizens. In September the government appointed a special advisor to the prime

minister for Holocaust issues and combating antisemitism, who is responsible for relations with Jewish communities and coordination of the country's preparation for its presidency of the International Holocaust Remembrance Alliance scheduled to begin in March 2023.

On April 22, Prime Minister Andrej Plenkovic led an annual delegation that commemorated the 77th anniversary of the inmate breakout from the WWII Jasenovac concentration camp. Separately, President Zoran Milanovic observed Remembrance Day of the Victims of Jasenovac and paid tribute to the victims of the camp. On April 27, Zagreb Mayor Tomislav Tomasevic and Auschwitz survivor Oleg Mandic unveiled a memorial for the victims of the Holocaust and Croatia's WWII-era pro-Nazi Ustasha regime. Attendees included President Milanovic, the minister of culture and media, representatives from Jewish communities, other religious leaders, former presidents, and antifascist groups. A 39-foot-high metal sculpture of a wall of suitcases was unveiled at its permanent location, next to Zagreb's main railway station, to represent victims who were deported by rail to concentration camps.

On the Holocaust Remembrance Day (Yom HaShoah) on April 28, Head of the Jewish Community Zagreb and President of the Coordination of the Jewish Communities Dr. Ognjen Kraus paid tribute to the victims of Jasenovac.

On July 8, the Split-Dalmatia Police Administration stated an investigation was continuing to identify a perpetrator who drew a swastika outside a hotel in Trilj, approximately 27 miles inland from the coastal city of Split. On August 29, in a separate incident, Varazdin police filed a criminal charge against a perpetrator who allegedly vandalized a local monument for the victims of the Holocaust.

Trafficking in Persons

See the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

Acts of Violence, Criminalization, and Other Abuses Based on Sexual Orientation, Gender Identity or Expression, or Sex

Characteristics

Criminalization: No law criminalizes consensual same-sex sexual conduct between adults. There are no laws criminalizing so-called cross-dressing, including de facto discrimination, such as laws covering “debauchery.” Laws regarding loitering or other activities were not disproportionately applied to LGBTQI+ persons.

Violence against LGBTQI+ Persons: There were no reports of government agents, including police, who incited, perpetrated, condoned, or tolerated violence against the LGBTQI+ population. Police investigated all reports of violence and hate crime and abuses by nonstate actors targeting LGBTQI+ persons.

Discrimination: The law prohibits discrimination by state and nonstate actors based on sexual orientation, gender identity or expression, and recognized LGBTQI+ individuals, couples, and their families. The government generally enforced those laws, but individuals reported discrimination.

Representatives from minority groups stated the law’s prohibitions of discrimination in employment and occupation, nationality laws, housing, access to education, and health care based on sexual orientation, gender identity, or gender expression were not consistently enforced and reported sporadic incidents. LGBTQI+ NGOs noted the continuation of the judiciary’s uneven performance in discrimination cases. Civil society organizations noted discrimination remains underreported due to fear of stigmatization and marginalization, fear of forced outing, and based on distrust towards institutions. They also reported members of their community had limited access to the justice system and expressed concerns regarding the inefficient judicial system and fear of further victimization during trial proceedings.

On May 26, the High Administrative Court ruled all life partners, including same-sex couples, may be evaluated for adoption suitability, and must not be discriminated against based on sexual orientation. The LGBTQI+ NGO Rainbow Family publicly welcomed the final verdict, stating the ruling had far-reaching implications for same-sex couples because they would have “practically equal” rights to married heterosexual couples.

Availability of Legal Gender Recognition: The government allowed individuals to change their gender identity marker on legal and identifying documents to put them into alignment with their gender identity. Self-determination of gender is not allowed under the law; however, individuals may seek formal approval from the Ministry of Health for a gender transition after their case is reviewed and certified by a series of medical specialists, social workers, and psychologists. Surgical intervention or sterilization is not required to complete the process. Members of civil society reported transgender persons experienced discrimination, abuse, or both in the process of gender affirmation and legal recognition of gender as well as in the workplace and during hiring procedures.

Involuntary or Coercive Medical or Psychological Practices Specifically Targeting LGBTQI+ Individuals: Conversional therapies are not explicitly forbidden by law; however, civil society groups reported there were no such publicly reported cases. They noted unconfirmed reports of individual cases where parents brought children to psychologists hoping they would “change or influence” their sexual orientation.

Restrictions of Freedom of Expression, Association, or Peaceful Assembly: There were no restrictions on Freedom of Expression, Association, or Peaceful Assembly for those speaking out about LGBTQI+ issues, or on the ability of LGBTQI+ organizations to legally register or convene events

Persons with Disabilities

The law prohibits discrimination against persons with physical, sensory, intellectual, or mental disabilities, including in access to education, employment, health services, information, communications, public buildings, transportation, and the judicial system and other state services. Government information and communication on disability concerns was generally provided in accessible formats. The government did not always effectively enforce the law. The law mandates access to buildings for persons with disabilities, however building owners and managers did not always comply, and there were no reported sanctions. Children with disabilities attended all levels of school with peers without disabilities, although NGOs stated the lack of laws mandating equal access for persons with disabilities limited educational access for those students.

The ombudsperson for persons with disabilities described the impact of the COVID-19 pandemic on persons with disabilities in her annual report. The report stated that, although persons with disabilities were prioritized for protection from the virus, there was a “notable lack” of professionals available to assist persons with disabilities during the pandemic. The report also noted deficiencies in social services for those with special needs, necessitating a move to care homes when individual attention was not possible. During 2021 the ombudsperson’s office received 19 complaints from persons with mental disorders related to their forced detention and placement in psychiatric institutions, insufficient information regarding legal status, medical diagnoses, or failure to exercise the right to full information.

Other Societal Violence or Discrimination

Societal discrimination against persons with HIV or AIDS remained a problem. The NGO Croatian Association for HIV (HUHIV) reported some physicians and dentists refused to treat HIV-positive patients. HUHIV reported violations of the confidentiality of persons diagnosed with HIV, causing some to face discrimination, including in employment, after disclosure of their status. There were reports transplant centers refused to place HIV-positive patients on their lists of potential organ recipients. HUHIV, however, noted the number of refusals, violations, and complaints from HIV-patients has slightly declined in the past several years.

Section 7. Worker Rights

a. Freedom of Association and the Right to Collective Bargaining

The law provides for the right of workers to form and join independent unions of their choice, bargain collectively, and conduct legal strikes. The law prohibits antiunion discrimination and allows unions to challenge dismissals in court. The law requires reinstatement of workers terminated for union activity.

Some limitations of these rights exist. Members of the military are not allowed to organize or to participate in a strike, while civilian employees of the military are permitted to organize but not to strike. Workers may strike only at the end of a

contract or in specific circumstances cited in the contract, and only after completing mediation. Labor and management must jointly agree on a mediator if a dispute goes to mediation. If a strike is found to be illegal, participants may be dismissed, and the union held liable for damages.

The government and employers generally respected freedom of association and the right to collective bargaining. The government generally enforced relevant laws protecting freedom of association, collective bargaining, and the right to strike for workers. Penalties were commensurate with similar violations. Penalties were regularly applied against violators. Judicial procedures were lengthy in the country overall and could hamper redress for antiunion discrimination.

b. Prohibition of Forced or Compulsory Labor

The law prohibits and criminalizes all forms of forced or compulsory labor. The government effectively enforced the law. Inspection was sufficient to enforce compliance. According to the State Prosecutor, from January to August there were five criminal reports filed against five suspects for forced or compulsory labor, of which two were still under investigation, two were to be investigated, and one has been charged. There were isolated reports Romani children were at risk of forced begging (see section 7.c.).

Also see the Department of State's *Trafficking in Persons Report* at <https://www.state.gov/trafficking-in-persons-report/>.

c. Prohibition of Child Labor and Minimum Age for Employment

The law prohibits all the worst forms of child labor. There were no confirmed reports during the year of the worst forms of child labor. The minimum age for the employment of children is 15, the age at which compulsory education ends for most children. Minors between ages 15 and 18 who have not completed compulsory education may only work with prior approval from the government Labor Inspectorate and only if they would not suffer physically or mentally from the work. Children younger than age 15 may work only in special circumstances, regardless of sector, performing duties that do not threaten their health, safety, education, or development, and with the approval of the Labor Inspectorate. In

2021 there were 167 such approvals issued, usually for children to act in film or theatrical performances. The law prohibits workers younger than age 18 from working overtime, at night, or in dangerous conditions, including but not limited to construction, mining, and work with electricity. The Ministry of Labor, the Pension System, the Family, and Social Policy; the State Inspectorate; and the ombudsperson for children are responsible for enforcing this regulation.

The government effectively enforced the law. Criminal penalties were generally commensurate with similar serious violations (see also section 7.b.). Penalties were regularly applied against violators. There were isolated instances of violations of the child labor law. Labor inspectors identified 22 violations involving 18 minors in 2021. The violations involved minors working overtime or past curfew and occurred mainly in the hospitality and construction sectors. Some children were reportedly subject to early marriage that could result in domestic servitude. Romani children were reportedly at risk of forced begging (see also section 7.b.).

d. Discrimination with Respect to Employment and Occupation

The Law on Battling Discrimination cites employment and employment conditions as categories protected from discrimination, and the labor law includes employment and employment conditions as protected from discrimination. Legislation prohibits discrimination in respect of employment and occupation based on race, religion, national or social origin, color, sex (including pregnancy), marital or family status, language, political or other beliefs, union membership, ethnicity, disability, age, sexual orientation, health status, genetic heritage, gender identity, education, level of wealth, or position in society.

The government enforced the law in all sectors, but sporadic discrimination in employment or occupation occurred based on gender, disability, sexual orientation, HIV-positive status, and ethnicity, particularly for Roma. Penalties were commensurate with similar crimes related to civil rights, and inspection and remediation were sufficient. Penalties were regularly applied against violators. Some companies, state institutions, and civil society organizations, however, sometimes chose to pay a fine rather than comply with quotas for hiring persons with disabilities. The ombudsperson for gender equality's 2021 report noted

women comprised 17 percent of workers in economic decision-making positions, while 23 percent of supervisory board members of the 100 listed companies on the Zagreb Stock Exchange were women. The ombudsperson's report noted women received lower average salaries (7 percent lower) and pensions (20.7 percent lower) than men in 2021. According to citizens' complaints, age and motherhood continued to be the main challenges of gender discrimination against women in the labor market.

The 2021 annual report of the ombudsperson for disabilities assessed limited growth of employment of persons with disabilities, putting persons with disabilities at greater risk for poverty, especially because of low salaries and pensions, and reported that in comparison with 2020, only 2.3 percent more persons with disabilities were hired in 2021.

According to LGBTQI+ advocacy organizations, although legislation protects LGBTQI+ employees against discrimination at the workplace, employers did not have adequate policies and procedures in place to provide protection against discrimination based on sexual orientation or gender identity. NGOs reported LGBTQI+ persons sometimes refrained from publicly revealing their sexual orientation or gender identity because they were vulnerable to potential termination of employment or demotion.

e. Acceptable Conditions of Work

Wage and Hour Laws: The law establishes a national minimum wage slightly above the official poverty income level. The law provides for a standard workweek of 40 hours and limits overtime to 10 hours per week and 180 hours per year.

The law allows employees to sue employers for nonpayment of wages and provides a penalty commensurate with other similar violations, although the law exempts employers who fail to pay wages due to economic duress. Workers may sue employers who do not issue pay slips to their employees to bypass mandatory employer contributions to social insurance programs.

Occupational Safety and Health: The law establishes occupational safety and health (OSH) standards that are appropriate, and the government generally

enforced them. Responsibility for identifying unsafe situations remained with OSH experts, not the worker.

The Labor Inspectorate conducted 20,446 workplace inspections in 2021, of which 12,917 were directly related to labor and 7,529 were related to safety at work. Regarding labor safety violations, the inspectorate issued 893 fines to employers for violations that affected the safety of employees. The Labor Inspectorate issued 104 misdemeanors for violating safety codes and filed 67 criminal charges against an undisclosed number of employers for generally endangering the lives of employees. Accidents were most frequently reported in the construction sector, where foremen could be held criminally responsible for injuries or deaths resulting from safety violations.

Wage, Hour, and OSH Enforcement: The Office of the Labor Inspectorate effectively enforced wage and hour laws. Inspection was sufficient to enforce compliance, and penalties were commensurate with those for similar violations. Penalties were regularly applied against violators. The Labor Inspectorate has 192 inspectors, which is enough inspectors to enforce compliance, and inspectors have the authority to make unannounced inspections and initiate sanctions. The Labor Inspectorate was not subject to a moratorium and continuously conducts inspections to provide for compliance with labor laws. In 2021 inspectors reported 3,511 violations of labor laws, including numerous violations for wage, hour, time off, and contract irregularities. Violations of wage, hour, and overtime laws were recorded in the construction, tourism, and hospitality sectors of the economy. During 2021 inspectors filed 65 reports seeking criminal proceedings against employers for 74 alleged criminal acts, of which some included multiple violations by the same employer for nonpayment of wages (55), or for not registering employees properly with state health and pension insurance (17), one charge for counterfeiting documents, and one charge for illegal employment.

Informal Sector: Generally, work in the informal sector is against the law, and there were no wage, hour, and OSH protections for such workers. Reliable data on the country's informal economy were extremely limited.